

Nicholas Fitzgerald Esq./NF 6129  
Fitzgerald & Crouch, PC  
649 Newark Avenue  
Jersey City, NJ 07306-2303  
(201) 533-1100  
Attorney for Plaintiff-Debtor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY --- NEWARK  
-----X  
In re:

Bawer Aksal

Chapter 13

Case No. 17-12555-JKS

Debtor

Hon. John K. Sherwood

-----X

Bawer Aksal

PLAINTIFF

ADVERSARY PRO. NO.

-against-

Trinity Financial Services, LLC

DEFENDANT

-----X

Complaint Seeking Declaratory Judgement Stripping Mortgage From  
Real Property and Providing for Elimination of Debt on the  
Grounds that the Underlying Mortgage Debt was Obtained Through  
Fraud

### Preliminary Statement

1. This is an action brought by the plaintiff, Bawer Aksal, a bankruptcy plaintiff-debtor who is seeking declaratory judgment stripping the mortgage from his real property located at 325 79th Street, Apt. 51, North Bergen, NJ 07047 and providing for the elimination of the underlying debt on the grounds that the plaintiff-debtor does not owe the money because the underlying

debt was incurred through fraud -- the plaintiff-debtor asserts that fake bank accounts were opened in the plaintiff-debtor's name and mortgages were taken out in the plaintiff-debtor's name without the plaintiff-debtor's knowledge or authorization.

#### **Jurisdiction and Venue**

2. Jurisdiction of the bankruptcy court in his matter is provided by 28 U.S.C. §§1334(b) and 157(b)(1).

3. This adversary proceeding is a core proceeding as that term is defined in 28 U.S.C. §157 (b)(2).

4. Venue for this adversary proceeding is proper in this Court pursuant to 28 U.S.C. §1409(a).

#### **Parties**

5. The plaintiff-debtor is an individual who is presently incarcerated in a federal penitentiary due to an alleged sexual offense unrelated to the within bankruptcy case. The plaintiff-debtor has asserted his innocence and he is presently appealing his conviction. The plaintiff-debtor now resides at the Low Security Correctional Institution, Allenwood, White Deer, PA 17887 and, assuming he does not win his appeal, the plaintiff-debtor expects his release date to be in June of 2019.

6. Trinity Financial Services, LLC is, upon information and belief, by way of an assignment, the purchaser and the holder of a mortgage and a note which act as a lien on the plaintiff-debtor's real property, a condominium located at 325 79th Street, Apt. 51, North Bergen, NJ 07047.

### **Factual Allegations**

7. The plaintiff-debtor asserts that on or about the time frame from 2004 or before or thereafter, without the plaintiff-debtor's knowledge or authorization, bank accounts were opened in the plaintiff-debtor's name at Fort Lee Federal Savings Bank, F.S.B. which had an address of 817 Abbott boulevard, Fort Lee, NJ 07024.

8. The plaintiff-debtor asserts that the purpose of the fraudulent opening of these bank accounts was to borrow money in the form of mortgage loans in the plaintiff-debtor's name without the plaintiff-debtor's knowledge or authorization.

9. The plaintiff-debtor asserts that over time various mortgage loans were taken out in the plaintiff-debtor's name without the plaintiff-debtor's knowledge or authorization.

10. The plaintiff-debtor asserts that the mortgagee on the fraudulent loans specified in paragraph 9 above was Fort Lee Federal Savings Bank, F.S.B.

11. The plaintiff-debtor further asserts that ultimately, due to improper and wrongful conduct, the FDIC stepped in and closed Fort Lee Federal Savings Bank, F.S.B.

### **Prayer for Relief**

WHEREFORE, plaintiff-debtor request that this Court:


1. Assumes jurisdiction in regards to the debt in question;  
and

2. Grants the plaintiff-debtor's request for declaratory judgment stripping the mortgage liens placed by Fort Lee Federal Savings Bank, F.S.B. or its successors or assigns, against the plaintiff-debtor's real property located at 325 79th Street, Apt. 51, North Bergen, NJ 07047; and

3. Grants the plaintiff-debtor's request for declaratory judgment eliminating all debts allegedly owed by the plaintiff-debtor to Fort Lee Federal Savings Bank, F.S.B. or its successors or assigns; and

4. Granting such other relief as is just and equitable.

Date: April 24, 2018



Nicholas Fitzgerald  
Attorney for Plaintiff-Debtor